

REMARKS

Preliminary remark

The amendments and arguments filed with the present response correspond in substance to the amendments and arguments discussed informally with the Examiner by telephone on May 4, 2006, for which the Applicants thank the Examiner.

Amendments to the claims

Independent method claim 1 has been clarified to recite "*causing the strength values associated with the ~~stored~~ markers that have been stored, either taken in location-dependent aggregations or individually, to decay with time*". This amendment is supported by the application as filed. For example, Fig. 6 and the corresponding portion of the specification teach that the markers' decay rate, or strength fall off with time, are handled in block 87 or 88, after the storage of the marker in block 86.

The language of independent apparatus claim 26 has been amended accordingly.

New claim 50 has been added to recite that "*causing the strength values associated with the markers to decay with time comprises: causing the strength values to decay to limit the lifetime of the markers*"; and a new claim 51 added to recite that "*the second arrangement decays with time the strength values associated with the markers to limit the lifetime of the markers*".

Claims 50 and 51 are supported by the application as filed, for example page 18, lines 25-32 and page 23, lines 25-31 of the specification, that teach that the markers' decay may be used to give the markers a limited life or lifespan.

All amendments are made without prejudice, and Applicants expressly reserve the right to reintroduce any cancelled feature in the present application or in any derivative thereof.

No new matter has been added.

Double Patenting

Claims 1-16 and 18-32 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of copending application No. 10/635939 (mistyped 10/635940, which is the present application No.) and over claims 1-50 of copending application No. 10/635938. Applicants respectfully disagree, but acknowledge this provisional rejection and will address it as appropriate upon resolution of all other rejections and objections.

Rejection under 35 U.S.C. 103

Claims 1-16, 23-40 and 47-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,393 to Kabala in view of JP Patent No. 11096230 to Sumi. Claims 17 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala, in view of Sumi and further in view of U.S. Patent Application Publication No. 20020165731 to Dempsey. Claims 18-22 and 42-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala, in view of Sumi and further in view of U.S. Patent Application Publication No. 20020174021 to Chu. Applicants respectfully disagree.

Claim 1

The Examiner opines that Kabala discloses a method comprising “causing the strength values associated with the stored markers, either taken in location-dependent aggregations or individually, to decay with time (i.e., the signal strength of the attendee is getting weaker as the attendee is moving away from the location) (see column 5, lines 1-29 and column 6, lines 1-45)”.

Applicants acknowledge that in Kabala, the signal strength of the attendee may get weaker as the attendee is moving away from the location, whereby consecutively stored signal strengths may have decreasing values.

However, the Applicants note that in Kabala the signal strength of the attendee is

getting weaker only if the attendee is moving away from the location, but that no causal relationship exists between the attendee moving away and the system of Kabala. In other words, Kabala does not disclose or suggest means for causing the attendee to move away, or for causing the stored signal strength to get weaker. Accordingly, the Applicants respectfully submit that the Examiner has failed to show that Kabala discloses or suggests "causing the strength values associated with the stored markers [...] to decay with time", as recited in claim 1. Applicants note that the Examiner has failed to show that Sumi discloses or suggests the above feature, and therefore respectfully submit that the Examiner has failed to show that any combination of Kabala and Sumi would have led one skilled in the art to a method as recited in claim 1, and in particular comprising "causing the strength values associated with the stored markers [...] to decay with time".

At least in view of the above, the Applicants respectfully submit that claim 1 as pending is patentable over Kabala in view of Sumi.

However, to move the application to issue, the Applicants have amended claim 1 to recite "causing the strength values associated with the markers that have been stored to decay with time", the use of the present perfect emphasizing that the method of claim 1 relates to causing the strength values associated with markers to decay after the markers are stored.

The Applicants respectfully submit that the Examiner has failed to show that Kabala or Sumi disclose or suggest causing strength values of markers that have been stored (i.e. after having stored the markers) to decay with time, and that at least for this reason claim 1 as amended is patentable over Kabala in view of Sumi.

Claim 26

Applicants submit that the above arguments can be used to show that the Examiner has failed to show that Kabala or Sumi disclose or suggest an apparatus having an arrangement for, after markers have been stored, actively decay, or age, strength values associated with the markers, and in particular "a second arrangement arranged to decay with

time the strength values associated with the markers that have been stored", as recited in claim 26 as amended.

Accordingly, Applicants respectfully submit that claim 26 is patentable over Kabala in view of Sumi.

Claims 2-16, 23-25, 27-40 and 47-49

Claims 2-16 and 23-25 depend directly or indirectly on claim 1, and claims 27-40 and 47-49 depend directly or indirectly on claim 26. Applicants submit that at least in view of their dependency on claims 1 or 26, claims 2-16, 23-25, 27-40 and 47-49 are patentable over Kabala in view of Sumi.

Claim 17

Claim 17 depends on claim 1. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests a method comprising "*causing the strength values associated with the markers that have been stored, either taken in location-dependent aggregations or individually, to decay with time*", as recited in claim 1 as amended. Applicants submit that the Examiner has failed to show that any combination of Kabala, Sumi and Dempsey would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising the above-recited features.

Applicants therefore respectfully submit that claim 1 is patentable over Kabala in view of Sumi and further in view of Dempsey. Applicants submit that at least in view of its dependency on claim 1, claim 17 is patentable over Kabala in view of Dempsey.

Claim 41

Claim 41 depends on claim 26. Applicants submit that the Examiner has failed to show that Dempsey discloses or suggests an apparatus comprising "*a second arrangement arranged to decay with time the strength values associated with the markers that have been stored*", as recited in claim 26 as amended. Accordingly, Applicants submit that the Examiner has

failed to show that any combination of Kabala, Sumi and Dempsey would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising the above-recited features. Applicants therefore respectfully submit that claim 26 is patentable over Kabala in view of Sumi and further in view of Dempsey, and submit that at least in view of its dependency on claim 26, claim 41 is patentable over Kabala in view of Sumi and further in view of Dempsey.

Claims 18-22

Claims 18-22 depend on claim 1. Applicants submit that the Examiner has failed to show that Chu discloses or suggests a method comprising "causing the strength values associated with the markers that have been stored, either taken in location-dependent aggregations or individually, to decay with time", as recited in claim 1 as amended. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala, Sumi and Chu would have led one of ordinary skill in the art to a method as recited in claim 1, and in particular comprising the above-recited features. Applicants therefore respectfully submit that claim 1 is patentable over Kabala in view of Sumi and Chu, and submit that at least in view of their dependency on claim 1, claims 18-22 are patentable over Kabala in view of Sumi and Chu.

Claims 42-46

Claims 42-46 depend on claim 26. Applicants submit that the Examiner has failed to show that Chu discloses or suggests an apparatus comprising "a second arrangement arranged to decay with time the strength values associated with the markers that have been stored", as recited in claim 26 as amended. Accordingly, Applicants submit that the Examiner has failed to show that any combination of Kabala, Sumi and Chu would have led one of ordinary skill in the art to an apparatus as recited in claim 26, and in particular comprising the above-recited features. Applicants therefore respectfully submit that claim 26 is patentable over Kabala in view of Sumi and Chu, and submit that at least in view of its dependency on claim 26, claims 42-46 are patentable over Kabala in view of Sumi and Chu.

New claims

New claim 50 recites that *"causing the strength values associated with the markers to decay with time comprises: causing the strength values to decay to limit the lifetime of the markers"*. Applicants respectfully submit that the Examiner has failed to show that any of the cited references discloses limiting the lifetime of markers, and in particular a method wherein *"causing the strength values associated with the markers to decay with time comprises: causing the strength values to decay to limit the lifetime of the markers"* as recited in claim 50. Accordingly, the Applicants respectfully submit that claim 50 is patentable over the cited references.

New claim 51 recites that *"the second arrangement decays with time the strength values associated with the markers to limit the lifetime of the markers"*. Applicants respectfully submit that the Examiner has failed to show that any of the cited references discloses limiting the lifetime of markers, and in particular disclose an arrangement that *"decays with time the strength values associated with the markers to limit the lifetime of the markers"* as recited in claim 51. Accordingly, the Applicants respectfully submit that claim 51 is patentable over the cited references.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

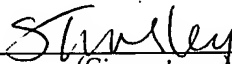
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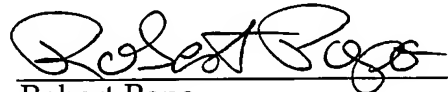


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Respectfully submitted,



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